



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 12, 2021

BY ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Virgil Griffith*, 20 Cr. 15 (PKC)

Dear Judge Castel:

As the Court is aware, the Government's anticipated Classified Information Procedures Act ("CIPA") submission in this matter is currently due by March 19, 2021. Yesterday, on March 11, 2021, a new Attorney General for the United States was sworn into office. The Second Circuit has held that to protect classified information from disclosure through a CIPA motion, the Government must invoke the "state secrets" privilege, and submit supporting declarations from the U.S. government officials with responsibility for and personal knowledge of the classified information at issue, including, for example, the Attorney General of the United States, who must assert the "state secrets" privilege. *United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008) (specifying that the privilege must be "lodged by the head of the department which has control over the matter, after actual personal consideration by that officer" (internal citation and quotation omitted)). In light of the recency of the Attorney General's confirmation, the Counterintelligence and Export Control Section of the National Security Division for the Department of Justice ("CES") has instructed this Office to seek a three-week extension of the Government's deadline to file a motion pursuant to CIPA in this case with respect to certain classified information.

cc: Defense Counsel (by ECF)